

6 March 1975

## MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Chairman Lucien Nedzi, Special Subcommittee on Intelligence, House Armed Services Committee, re Request of Representative Paul McCloskey

1. I called Chairman Lucien Nedzi, Special Subcommittee on Intelligence, House Armed Services Committee, regarding Representative Paul McCloskey's (R., Calif.) request that we provide him with a "legal opinion" on the legality of our relationships with military commanders in Vietnam with respect to the Paris Peace Accords. I told him that John Warner, OGC, was preparing a paper on this but I had some question of whether we should be in the business of giving legal opinions to people who are not on our Committee. Mr. Nedzi raised a question as to whether we should be issuing legal opinions of this sort in any event. (He thought it should be done by the Department of Justice.) I said I thought maybe McCloskey feels that if we are having contact with military commanders we should check as to the legality or propriety of doing so. Mr. Nedzi said he thought it might be appropriate for us to comment on what the legal issues were but that was something different from the legal opinion. I finally suggested that instead of a "legal opinion" we prepare a letter to McCloskey which discusses the issues without submitting a legal brief on it. Mr. Nedzi agreed with this approach.

2: I then mentioned to the Chairman that we were sending Jack Boos, House Armed Services Committee staff, some annexes on various topics which we had also given to Senators Frank Church and John Tower. These covered organization, USIB background, etc. I said we are trying to get Boos and [ ] IC staff, together and hope that the Director can also see Mr. Nedzi in the near future. I said the annexes had been mentioned to Representative Robert McClory (R., Ill.) and said that we would provide an additional copy for him. Nedzi said that McClory had talked to him and had indicated a desire

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to have the Director brief him on the "jewels" and, of course, Nedzi saw no objection to that. He commented that it has to be. I said I would pass this on to the Director. I then asked him if he thought this was something that would go to the entire Select Committee. Nedzi said he was aware of the problem but "it could be." He said perhaps he and McClory could talk about this but he said that at the rate stuff is appearing in the newspaper he does not think there will be much left to tell. Mr. Nedzi said we could start the flow of material we wanted to get to him at any time. In this connection, he asked if the annexes I mentioned would cause any problems. I said not the kind of problems other things would.

3. I commented on Representative Les Aspin's (D., Wis.) interest in the backup on our Soviet defense budget figures, and said this was a real bucket of worms to try to sort out. Mr. Nedzi said it is for this reason that he has never been persuaded with regard to these figures. I said it was indeed a difficult problem and a margin of error is built in but if we use the same system from year to year, we can at least give some valid indication of trend lines.

4. I mentioned the inquiry we had received from the Judiciary Committee as a result of the Director's testimony before the Subcommittee on Government Information and Privacy, House Government Operations Committee (this had to do with mail opening). I said the Judiciary Committee apparently wants a piece of the action just as Representative Bella Abzug (D., N. Y.) did because the Subcommittee on Civil Rights and Constitutional Rights, House Judiciary Committee, feels it has a jurisdictional interest in the opening of the mails. I told Nedzi that in view of the fact that Representative McClory is ranking member on the Judiciary Committee and the Select Committee and the Representative Don Edwards (D., Calif.) is on both Committees, we felt this was a matter best left to the Select Committee. I noted, however, that there are some 20 pieces of legislation on the subject of surveillance pending before the Judiciary Committee. Some of these would give us real problems so we will be forced to treat with the Committee on this.

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